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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/349,479	12/02/94	BORDER	W PLR: 345
		EXAMINER	
		18N2/0219	
CATHRYN CAMPBELL CAMPBELL AND FLORES 4370 LA JOLLA VILLAGE DRIVE SUITE 700 SAN DIEGO CA 92122		ART UNIT	PAPER NUMBER
		1804	1804
		DATE MAILED: 02/15/97	

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

Responsive to communication(s) filed on 10/7/96
 This action is FINAL.
 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three (3) month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 3, 4, 89, 16-18, 21-25, 27-34 is/are pending in the application.
Of the above, claim(s) 3, 4, 89, 16-18, 31-34 is/are withdrawn from consideration.
 Claim(s) _____ is/are allowed.
 Claim(s) 21-25, 27-30 is/are rejected.
 Claim(s) _____ is/are objected to.
 Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
 The drawing(s) filed on _____ is/are objected to by the Examiner.
 The proposed drawing correction, filed on _____ is approved disapproved.
 The specification is objected to by the Examiner.
 The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 All Some* None of the CERTIFIED copies of the priority documents have been
 received.
 received in Application No. (Series Code/Serial Number) _____
 received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of Reference Cited, PTO-892
 Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
 Interview Summary, PTO-413
 Notice of Draftsperson's Patent Drawing Review, PTO-948
 Notice of Informal Patent Application, PTO-152

-SEE OFFICE ACTION ON THE FOLLOWING PAGES-

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This application should be reviewed for errors.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3, 4, 8, 9, 11, 12 and 16-18 have been withdrawn from consideration; claims 1, 2, 5-7, 10, 13-15, 19 and 20 have been cancelled; claims 21-29 are active and examined in this Office Action.

This application is a continuation as a file wrapper and the examiner has assumed that the requirement and election made in the parent application carries over unless otherwise indicated by applicant. The restriction requirement made in the parent application is still applicable in the continuation. Since applicants have not indicated otherwise, prosecution is being continued on the invention elected and prosecuted by applicants in the parent application.

Applicants have not amended the claims, presented new claims or new arguments and therefore the previous Office Action is summarized below and this Action will be made Final.

The provisional rejection of claims 21-29 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending application serial No. 07/803,285 is maintained for reasons of record.

The provisional rejection of claims 21-29 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of copending application serial No. 07/467,888 is maintained for reasons of record.

The rejection of claims 21-29 under 35 U.S.C. 112, first and second paragraph, is maintained for reasons of record.

The rejection of claim 27 under 35 U.S.C. 102(b) as being anticipated by Flanders is maintained for reasons of record.

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The rejection of claims 21 and 24 under 35 U.S.C. 103 as being unpatentable over Connor is maintained for reasons of record.

The rejection of claims 22, 23, 25 and 26 under 35 U.S.C. 103 as being unpatentable over Connor as applied to claims 21 and 24 above and further in view of MacKay is maintained for reasons of record.

The rejection of claim 28 under 35 U.S.C. 103 as being unpatentable over Flanders as applied to claim 27 above and further in view of MacKay is maintained for reasons of record.

The rejection of claim 29 under 35 U.S.C. 103 as being unpatentable over Flanders as applied to claim 27 above and further in view of Bassols is maintained for reasons of record.

No claim is allowed.

This is a continuation of applicant's earlier application S.N. 08/196,892. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application.

Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See M.P.E.P. § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

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Papers related to this application may be submitted to Group 1800 by facsimile transmission. Papers should be faxed to Group 1800 via the PTO FAX center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG (30 November 15, 1989). The CM1 Fax Center number is (703) 308-4227.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Suzanne Ziska, Ph.D., whose telephone number is (703) 308-1217. In the event the examiner is not available, the examiner's supervisor, Ms. Jacqueline Stone, may be contacted at phone number (703) 308-3153.

Suzanne Ziska
Suzanne E. Ziska
PRIMARY EXAMINER
GROUP 1800